

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
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2004 JAN 21 AM 11:52
U.S. DISTRICT COURT
DISTRICT OF MASS.

FREDERIC BERTHOFF,)
Petitioner,)
v.)
UNITED STATES OF AMERICA.)

NO.

[Former No. CIV.A.97-10883-Y
Indictment No. 93-CR-3008 -
WGY]

AFFIDAVIT OF FREDERIC BERTHOFF

I, Frederic Berthoff, do attest and certify under oath as follows:

1. That I am the Petitioner in the matter of **Frederic Berthoff's Omnibus Petition for**

Relief and Request for Hearing;

2. That I am in the eleventh year of a twenty-one year committed sentence handed down

by this Court, and am currently placed at the Federal Correctional Institution, Elkton, Post Office

Box 10, Lisbon, Ohio 44432;

3. That along with my Petition has been filed a Motion to Proceed in Forma Pauperis;

4. That I do not have, nor will I have, the means to pay an Attorney to prosecute my

Petition, that my present Counsel has advised me and prepared my Petition on an entirely pro

bono basis;

5. That I do not have the means to pay any docketing fees which may be associated with

the filing of this Petition;

6. That I am not married;

7. That I do not have any income and have ^{had} ~~no~~ income for approximately eleven years;

✓ (with the exception of monthly prison wages, which have averaged about
\$25 per month)

Amended
J.B.

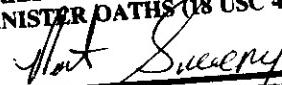
Amended (J.B.)
Amended (J.B.)

8. That I am not employed and have not been employed for approximately eleven years;
✓ (with the exception of prison job assignments)
- ✓ 9. That I have no ~~xxx~~ property or other assets; my cash assets total less than \$250;
10. That there are no debts owed to me;
- ✓ 11. That I have no expenses other than mailing costs and other minor expenses. To the
extent that they are able, my parents help me with these; (* plus scheduled fine payments
to the court)
12. That I have not been paying, and will not pay, an Attorney for services in connection
with this Petition;
13. That I have not paid, nor will I pay, any non-lawyer for services in connection with
this Petition;
14. That the issues raised in my Petition are:
 - A. This Court's reasons for sentencing me neither supported nor justified the
sentence within the sentencing range established by the United States Sentencing Guidelines;
 - B. My sentence was unconstitutionally disparate within the Guidelines range when
compared to the sentences of my co-defendants and others similarly situated; and
 - C. My sentence was unconstitutionally disparate from the sentences of those of
my co-defendants in any event.

SUBSCRIBED AND SWORN, under the pains and penalties of perjury, this 13th day of
January, 2004:


FREDERIC BERTHOFF

"AUTHORIZED BY THE ACT OF JULY 27, 1955,
TO ADMINISTER OATHS (28 USC 4004)".


NOTARY PUBLIC
CORRECTIONAL TREATMENT SPECIALIST

1-13-2004

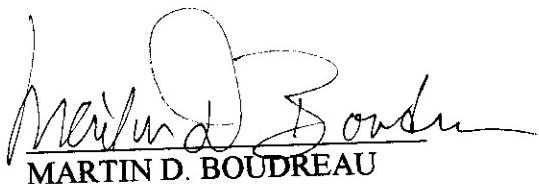
DATE

CERTIFICATE OF SERVICE

I, Martin D. Boudreau, Counsel to Petitioner Frederic Berthoff in the foregoing-captioned matter, certify that I have served a copy of the within **Affidavit of Frederic Berthoff** [in support of his **Frederic Berthoff's Motion to Proceed in Forma Pauperis**] upon the Government by mailing same, first class postage prepaid, to

Kevin O'Regan, Chief
United States Attorney's Field Office
Federal Building & Courthouse, Room 310
1550 Main Street
Springfield, Massachusetts 01103,

this 18th day of January, 2004:



MARTIN D. BOUDREAU